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AO 91 (Rev. 11/11) Criminal Complaint

Agent:

Michael Everson

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UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Rafael ALVAREZ-CEJA

Case No. Case: 2:25-mj-30099

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 19, 2025 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

8 U.S.C. 1326(a)

Unlawful ReEntry Following Removal from the United States

This criminal complaint is based on these facts:

On or about February 5, 2024, in the Eastern District of Michigan, Southern Division, Rafael ALVAREZ-CEJA, an alien from Mexico, was found in the United States after having been denied admission, excluded, deported, and removed there from on or about June 18, 2024, and not having obtained the express consent of the Attorney General of the United States or the Secretary of the Department of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

☐ Continued on the attached sheet.


*Complainant's signature*Michael Everson, Border Patrol Agent*Printed name and title*

Sworn to before me and signed in my presence
and/or by reliable electronic means.


*Judge's signature*Date: February 28, 2025City and state: Detroit, MIKimberly Altman, U.S. Magistrate Judge*Printed name and title*

AFFIDAVIT

I, Michael Everson, declare the following under penalty of perjury:

1. I am a Border Patrol Agent with the United States Department of Homeland Security, United States Border Patrol. I have been employed in this capacity since December 2011. Currently, I am assigned to the Detroit Border Patrol Station. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers to include Border Patrol Agents and record checks of law enforcement databases. I have also reviewed material from the official Immigration file and system automated data relating to Rafael ALVAREZ-CEJA, which reveals the following:
2. ALVAREZ-CEJA is a twenty-nine-year-old male, native and citizen of Mexico, who last entered the United States at or near an unknown place, on or about an unknown date without being admitted, inspected, or paroled by an Immigration Officer.
3. According to immigration records contained in ALVAREZ-CEJA's Alien File, in 2012 ALVAREZ-CEJA submitted an application for Deferred Action for Childhood Arrivals. His application was approved with an expiration date of June 27, 2015. His application was not renewed.
4. According to a Michigan State Police report, on or about November 28, 2019, an officer with the Michigan State Police stopped a car for speeding. The driver of the car presented a Mexican identification card in the name Rafael ALVAREZ-CEJA. Two other individuals were passengers in the car. The officer obtained consent to search the car and found a plastic bag containing a white powdery substance located in the armrest between the front driver and passenger seat. The white substance field tested positive for cocaine. ALVAREZ-CEJA was advised of his Miranda rights and agreed to make a statement. ALVAREZ-CEJA told the officer that the white substance was cocaine and that a friend had given it to him after he bought the friend a six-pack of beer. ALVAREZ-CEJA was charged with possession of a controlled substance less than 25 grams, but the case was dismissed.
5. According to a report from the Detroit Police Department, on or about June 2, 2020, ALVAREZ-CEJA called the police to report that his wife (VICTIM

1) and his daughter (CHILD 1) were missing. Police officers went to a residence on Logan Street and spoke with ALVAREZ-CEJA, who claimed that he had not seen either VICTIM 1 or CHILD 1 since June 1, 2020. As police were talking to ALVAREZ-CEJA, VICTIM 1 and CHILD 1 arrived at the residence in a car. VICTIM 1 told police that she was not missing but “she was afraid to go home because her husband has a past of domestic violence, and she stated that last week he attempted to strangle her and assault her but did not report the assault to the police.” The officers advised VICTIM to speak to a domestic violence advocate and call the police if she was assaulted again.

6. According to a report from the Detroit Police Department, on or about September 21, 2020, police officers were dispatched to a McDonalds restaurant for an assault and battery. VICTIM 1 was present and was taken to a police precinct to make a statement. VICTIM 1 reported that earlier that morning, ALVAREZ-CEJA attempted to suffocate her with a pillow. Later in the day, VICTIM 1 and ALVAREZ-CEJA were leaving a commercial business when ALVAREZ-CEJA “grabbed her by the neck and stated that he was going to kill her while pulling her face back with his hand causing a minor injury to her right eyelid and a scratch to her right check.” Later that day, while in the drive through at the McDonalds, VICTIM 1 stated that ALVAREZ-CEJA “began to pull her arm and her hair” and told her he “was going to break her foot.” A bystander ran over to the vehicle when VICTIM 1 cried for help and was able to assist her out of the car. ALVAREZ-CEJA fled the location.
7. According to a report from the Detroit Police Department, on or about January 27, 2021, police officers responded to the same residence on Logan Street for a domestic violence/assault in progress call. Upon arrival, officers spoke to VICTIM 1 who reported that ALVAREZ-CEJA came to the residence and started acting very aggressive, was screaming and broke the door to her 14-year-old son’s (CHILD 2) bedroom. VICTIM 1 reported that she was unable to call police because ALVAREZ-CEJA “would constantly snatch the phone from her.” CHILD 2 told police that “he was able to call the police from inside his room once he realized Mr. ALVAREZ-CEJA was acting aggressive.”

8. On or about January 27, 2021, ALVAREZ-CEJA was arrested by Detroit Police Department for Home Invasion 1st Degree and Assault with Intent to Cause Great Bodily Harm.
9. On or about February 1, 2021, ALVAREZ-CEJA was arrested by Immigration Customs and Enforcement (ICE). He was interviewed by ICE officers and stated that his parents are citizens and nationals of Mexico who currently reside in North Carolina. He stated he is not married but resides with VICTIM 1 and their biological daughter (CHILD 1) and VICTIM 1's son, CHILD 2. ALVAREZ-CEJA further stated that he has "no family in the U.S. with any legal immigration status." He was issued a Notice to Appear.
10. On or about February 3, 2021, ALVAREZ-CEJA was granted an immigration bond in the amount of \$10,000 and released. Another person provided ICE with a cashier's check made out to the Department of Homeland Security in the amount of \$10,000. This person agreed to act as an obligor, which required the person to deliver ALVAREZ-CEJA to ICE upon demand.
11. According to a report from the Detroit Police Department, on or about March 27, 2022, officers were dispatched to a residence for a home invasion. VICTIM 1, CHILD 1 and CHILD 2 were inside the residence. CHILD 2 told one of the officers that a man known to CHILD 2 as "Rafael Albarec" used to live with the family at the same specific residence on Logan Street mentioned above, but that VICTIM 1 and the two children "had to move multiple times in order to escape him." CHILD 2 explained that the "family had just recently moved . . . in an attempt to hide from [ALVAREZ-CEJA] but he had managed to find them without their knowledge." Since finding them, ALVAREZ-CEJA "had broken into the home multiple times to steal money or property from them." If ALVAREZ-CEJA did not find anything of value to steal, "he would damage the home (breaking holes into the wall, breaking windows, etc)." Officer's observed "obvious signs of damage" to a door leading to VICTIM 1's room and a broken window to the home.
12. Another police officer who interviewed VICTIM 1 in Spanish reported that ALVAREZ-CEJA had broken the window by throwing something through it, managed to enter the home through a locked door and then attacked VICTIM 1. ALVAREZ-CEJA "strangled" VICTIM 1 "to the point where she felt she was about to pass out." ALVAREZ-CEJA only stopped strangling

VICTIM 1 when CHILD 1 began screaming, at which point VICTIM 1 grabbed CHILD 1 “and fled into the bedroom, locking the door behind her.”

13. ALVAREZ-CEJA was ordered to appear for an immigration hearing in October, 2022. According to an order of an Immigration Judge, ALVAREZ-CEJA “was provided written notification of the time, date and location” of his immigration hearing and “a written warning that failure to appear at the hearing” could have adverse consequences. However, ALVAREZ-CEJA failed to appear for his immigration hearing and, on or about October 11, 2022, ALVAREZ-CEJA was ordered removed from the United States back to Mexico by an Immigration Judge.
14. On December 6, 2022, ICE made a written demand to the obligor to deliver ALVAREZ-CEJA to ICE at a specific location on January 9, 2023, for removal. ALVAREZ-CEJA failed to appear on this date and his bond was declared to be in breach.
15. On or about October 30, 2023, ALVAREZ-CEJA plead guilty to Felonious Assault and Home Invasion 3rd Degree. He was sentenced to 2 years’ probation on November 29, 2023.
16. On February 5, 2024, ALVAREZ-CEJA was encountered by ICE at the Michigan Department of Corrections. ALVAREZ-CEJA told ICE officers that his parents are citizens of Mexico and “neither of which have ever been to the U.S. or obtained any type of legal status in the U.S.” On February 13, 2024, he was subsequently removed back to Mexico through Brownsville, Texas.
17. On or about June 14, 2024, ALVAREZ-CEJA was arrested by Border Patrol Agents near Roma, Texas. His prior order of removal was reinstated. On June 18, 2024, he was removed back to Mexico through Harlingen, Texas.
18. On or about February 19, 2025, ALVAREZ-CEJA was arrested by Border Patrol Agents in Detroit, Michigan. He was transported to the Detroit Border Patrol Station for processing. His prior order of removal was reinstated.
19. Rafael ALVAREZ-CEJA’s fingerprints and photograph were captured and entered into the Automated Biometric Identification System (IDENT) and the Integrated Automated Fingerprint Identification System (IAFIS). The

results revealed that ALVAREZ-CEJA is a citizen of Mexico with the foregoing immigration history who has been previously removed from the United States. The record checks did not provide any evidence that ALVAREZ-CEJA legally entered the United States or had been issued any document or status that would allow him to enter or remain the United States.

20. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
21. Review of the Alien File (A#xxx xxx 721) for Rafael ALVAREZ-CEJA and queries in Department of Homeland Security databases confirm no record exists of ALVAREZ-CEJA obtaining the express permission from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States following his removal on June 18, 2024.

22. Based on the above information, I believe there is probable cause to conclude that Rafael ALVAREZ-CEJA, is an alien who was found in the United States after removal, without the express permission from the Attorney General of the United States or from the Secretary of the Department of Homeland Security to re-apply for admission into the United States in violation of Title 8, United States Code, Section 1326(a).



Michael Everson, Border Patrol Agent

U.S. Department of Homeland Security

Subscribed and sworn to before me and signed in my presence and/or by reliable electronic means.



Honorable Kimberly Altman
United States Magistrate Judge

February 28, 2025